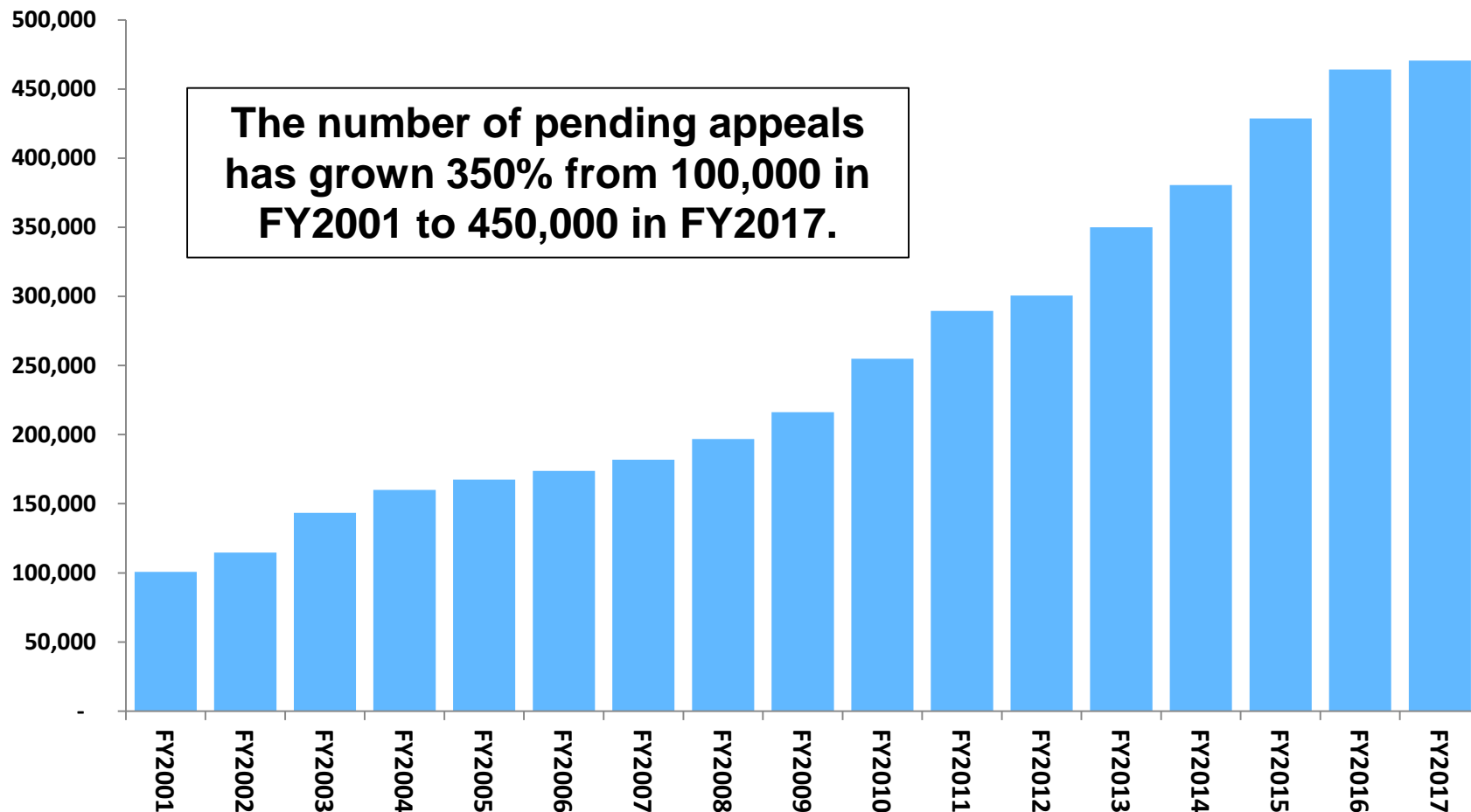


Appeals Modernization

May 2018

Problem: Growth of Pending Appeals

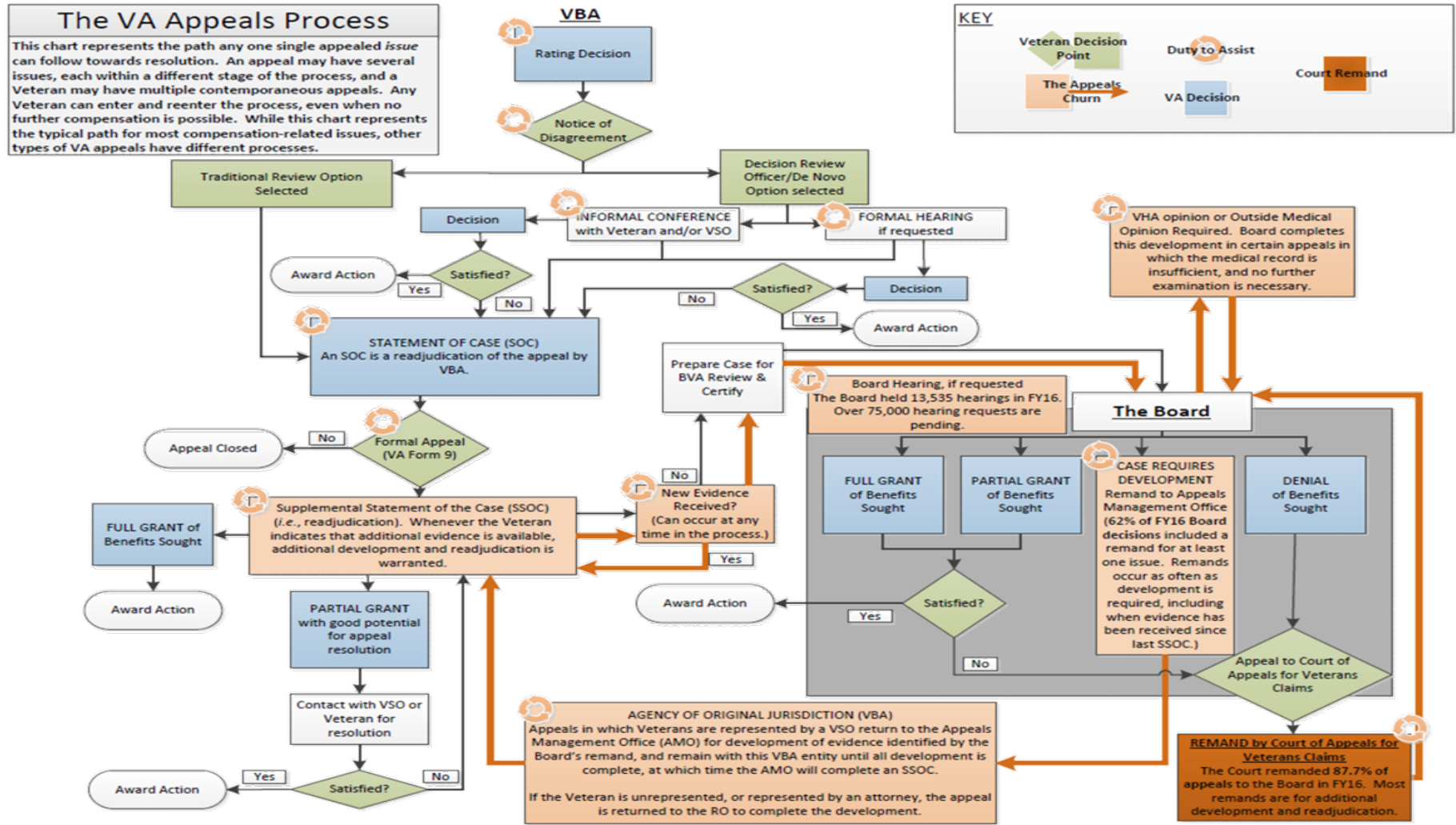


Problem: Complex Current Appeal Process

The current VA appeal process, set in law, is complex, non-linear, and unlike other standard appeals processes across Federal agencies and judicial systems.

- **Too long** – No defined endpoint or timeframe.
 - On average, Veterans are waiting 3 years for a resolution on their appeals.
 - For those appeals that were decided by the Board of Veterans Appeals in FY2016, on average, Veterans waited at least 7 years from filing their NOD until the Board decision issued that year.
- **Too complex** – Process is hard to understand, contains too many steps, and difficult to explain to Veterans.
 - Splits jurisdiction between VBA and the Board – accountability does not rest with one appellate body. Also creates inherent competition for resources within VBA to process both claims and appeals.
 - Features an open record and ongoing duty to assist – Continuous evidence gathering and readjudication prolongs the ability to reach a final decision.

VA Appeal Process Today



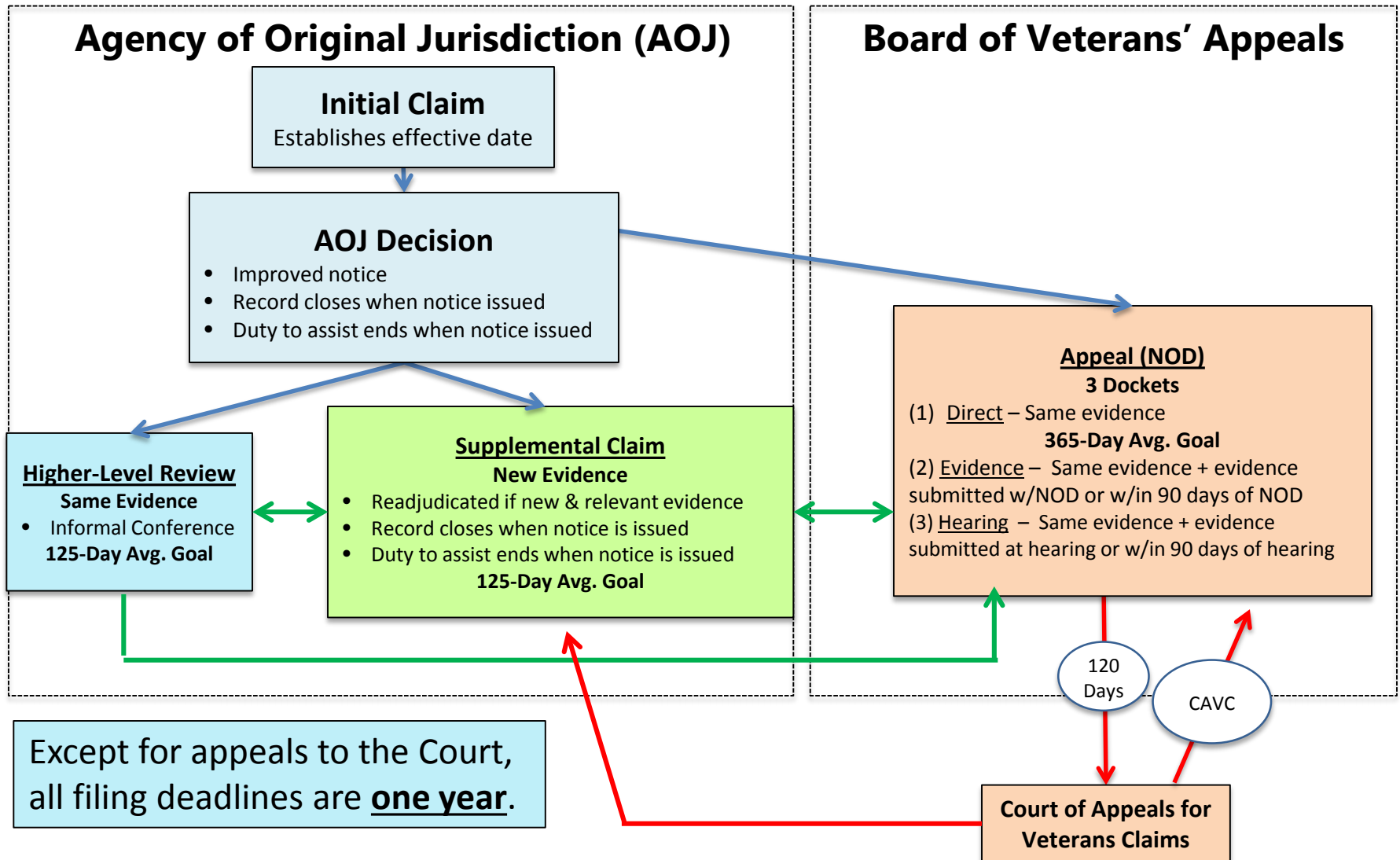
Solution: Appeals Modernization Act

- On August 23, 2017, the **Veterans Appeals Improvement and Modernization Act of 2017** was signed into law. The new law takes effect in February 2019.
- It creates a new decision review process, which features three lanes:
 - **Higher-Level Review** – An entirely new review of the claim by an experienced adjudicator
 - **Supplemental Claim** – An opportunity to submit additional evidence
 - **Appeal** – Review by the Board of Veterans' Appeals

New Process: Three Lanes

VBA	VBA	BVA
Supplemental Claim Lane	Higher-Level Review Lane	Appeal Lane
<ul style="list-style-type: none"> VA will readjudicate a claim if “new and relevant” evidence is presented or identified with a supplemental claim (open record) VA will assist in gathering new and relevant evidence (duty to assist). Effective date for benefits always protected (submitted within 1 year of decision) Replaces “reopening” claims with “new and material” evidence 	<ul style="list-style-type: none"> More experienced VA employee takes a second look at the same evidence (closed record and no duty to assist) Option for a one-time telephonic informal conference with the higher-level reviewer to discuss the error in the prior decision <i>De novo</i> review with full difference of opinion authority Duty to assist errors returned to lower-level for correction (quality feedback) 	<ul style="list-style-type: none"> Evidence only docket: Additional evidence submitted within 90 days following NOD Direct docket: Closed record and 365 days timeliness goal Hearing docket: Board hearing and additional evidence submitted within 90 days following hearing

New Decision Review Process



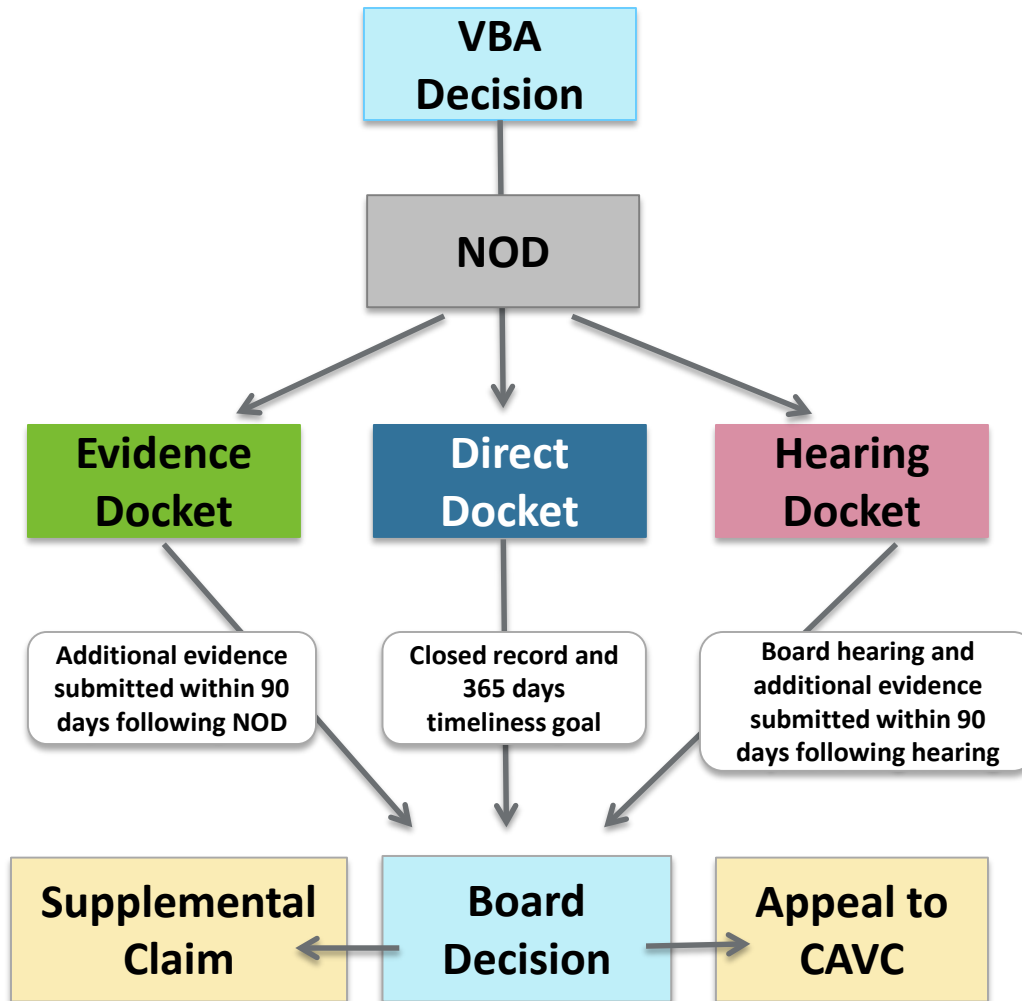
New Process: Appeal Lane Dockets

Evidence Only Docket

When this option is selected on the NOD, the appellant may submit evidence within the 90 day window following submission of the NOD. The Board does not have a duty to assist and the record is otherwise closed.

Direct Docket

When this option is selected on the NOD, the appellant receives direct review by the Board of the evidence that was before VBA in the decision on appeal. The Board has a 365-day timeliness goal for this docket. [Quality feedback loop for VBA.](#)



Hearing Docket

When this option is selected on the NOD, the appellant will be scheduled for a Board hearing. Additionally, the appellant may submit evidence within the 90 day window following the scheduled hearing. The Board does not have a duty to assist and the record is otherwise closed.

New Process: Overview

- **Multiple options for Veterans/representatives**
 - Use one lane at a time for a claimed issue
 - Choosing one lane does not prevent the Veteran/representative from later choosing a different lane
 - No limits to the number of times a Veteran may pursue a claimed issue in any of the lanes
- **Protected effective date for benefits** – For Veterans pursuing the same claimed issue in any of the lanes within one year
- **Duty to assist and open record** – In the Supplemental Claim lane only, not the higher-level review or appeal lanes
- **Higher-Level Review** – *De novo* review with full difference of opinion authority; replaces current DRO review process

New Process: Benefits

New process provides:

- Understandable decision review system
- Multiple review options instead of one
- Improved notice about the reasons for VA's decision and available decision review options
- Early resolution of disagreements
- Each lane with a clearly defined start/end point
- Higher-Level Review and Appeal lanes provide quality feedback to VBA
- VBA as claims agency, Board as appeals agency
- Efficient use of VA's and representatives' resources for long-term savings and improved service for Veterans

Rapid Appeals Modernization Program

The ***Rapid Appeals Modernization Program (RAMP)*** began on November 1, 2017 and allows eligible Veterans with pending appeals the option to have their decisions reviewed in the new **Higher-Level Review** or **Supplemental Claim** lanes

As of April 2, 2018, any Veteran that meets the eligibility criteria below may participate in RAMP (no invitation required)

- Participation is voluntary and Veterans are encouraged to opt in
- Veterans must have an active disability compensation appeal in one of the following appeal stages:
 - NOD
 - Form 9
 - Certified to the Board (not activated)
 - Remand

RAMP Opt-in Elections

- Veterans (or their representatives) must use the **RAMP Opt-in Election** document to request participation in RAMP.
- The Appeals Resource Center in Washington, DC is the centralized intake center for all RAMP elections.

SAMPLE

RAMP OPT-IN ELECTION

RETURN THIS PAGE ONLY IF YOU WANT TO PARTICIPATE IN RAMP
(DO NOT complete this form if you wish to remain in the current legacy appeals process)

Once you have read and understood the attached VA letter, please indicate your election by completing and returning this notice with the coversheet provided to the address noted below.



DEPARTMENT OF VETERANS AFFAIRS
EVIDENCE INTAKE CENTER
PO BOX 4444
JANESVILLE WI 53547-4444
OR
FAX TO: 844-531-7818

By completing this form, I elect to participate in RAMP. I am withdrawing all eligible pending compensation appeals in their entirety, and any associated hearing requests, to participate in VA's RAMP initiative and have my eligible appeals proceed under the new process described in the Appeals Modernization Act. I understand that I cannot return to the current (legacy) appeals system for the issues withdrawn. I also acknowledge that, in the event I want the Board to review my claim, the Board will not consider my appeal until after the new appeals system goes into effect, which will not be earlier than February 2019.

I elect the following review option (select *only one*):

☒ **Supplemental Claim**

I elect to have all eligible issues currently on appeal processed as a **supplemental claim**. I would like to submit or have already submitted new and relevant evidence in support of my claim for benefits. I understand that I have 30 days from the date of my election to submit additional evidence or notify VA of evidence that VA can assist in gathering.

☐ **Higher-Level Review**

I elect to have all eligible issues currently on appeal reviewed in the **higher-level review** process. I understand that this review will be based upon the evidence submitted to VA as of the date of this election and VA will not seek additional evidence on my behalf as part of the higher-level review.

Place a check in the box below if you would like a one-time telephonic informal conference with the Higher-Level Reviewer. If you have an accredited representative (VSO, attorney, or agent) please include his or her contact information below. (This option may cause some delay in the processing of your higher-level review due to scheduling.)

☐ **Informal Conference**

Representative/Org. _____

Phone Number _____

John Hancock

03/29/2018

Claimant or Authorized Representative Signature

Date

RAMP Lanes

RAMP Supplemental Claim Lane

- Any decision to award benefits must be based on **new and relevant evidence** or a **clear and unmistakable error** in the prior decision
- In RAMP, VA **presumes** that there is new and relevant evidence when a Veteran **first elects to participate**
- Open evidentiary record with **duty to assist** Veterans in gathering evidence to support the claim
- Decision authority given to **RVSRs** for rating issues and **VSRs** for non-rating issues
- Tracking in VBMS under End Product (EP) **683** with claim label ***RAMP-Supplemental Claim Review (Rating or Non-Rating)***

RAMP Higher-Level Review Lane

- ***De novo* review** of the issue(s) previously on appeal (**difference of opinion authority**)
- **Closed record & no duty to assist**
- Review of all evidence of record on the date that VA receives the Veteran's RAMP election
- Decision authority granted to **Decision Review Officers (DROs)** and **Senior VSRs**
- Optional one-time telephonic **informal conference** with the higher-level reviewer to identify specific errors in the case
- **Quality feedback loop:** Return of the claim for correction when a duty to assist error or required development is found and the higher-level reviewer cannot grant the maximum benefit
- Tracking in VBMS under **EP 682** with claim label ***RAMP - Higher Level Review (Rating or Non-Rating)***

RAMP Benefits

For Veterans & Representatives :

- Faster decisions and early resolution of disagreements
- Improved decision notices
- Allows more Veterans to use the new, more efficient process
- Demonstrates VA's commitment to improve services for all Veterans who have appeals, not just those who receive a future decision
- Accelerates resolution of legacy appeals at the earliest points in the process
- Same effective date for benefits regardless of the Veteran's choice of review option
- Requires VA to have clear and convincing evidence to change any findings favorable to the Veteran in a previous VA decision
- Veterans who participate in RAMP fill the Board's new dockets first

For VA & External Stakeholders :

- Eliminates the inherent inefficiencies in the legacy system, thus decreasing the number of work hours spent by VA and Veterans' representatives working legacy appeals
- Shortens the time that VA and Veterans' representatives must operate two appeal systems
- Allows VA and Veterans' representatives to fully assess and adapt to the new law
- Early resolution in VBA reduces legacy appeals to the Board and Federal courts

RAMP End Products (EPs) & Claim Labels

Higher-Level Reviews (HLR)

- **EP 682**
 - RAMP – Higher Level Review - Rating
 - RAMP – Higher Level Review - Non-Rating

Supplemental Claims

- **EP 683**
 - RAMP – Supplemental Claim Review Rating
 - RAMP – Supplemental Claim Review Non-Rating
 - RAMP – HLR – Additional Evidence
 - RAMP – HLR – Duty to Assist Error

RAMP Update

RAMP DATA (4/30/18)	
RAMP Invitations Mailed	122,001
RAMP elections received	12,870
Letter Election Rate *	10.20%
Legacy Appeals Withdrawn	15,839
Lane Choices	64% HLR; 36% SLC
Retroactive Benefits Awarded	\$13,412,626
Average Days to Complete	55 Days
NOD to opt-in (Avg)	900 Days

* Based on RAMP mailings

Veteran Testimonials

After 10 years of appealing, a Gulf War Era Veteran receives a 100- percent evaluation in less than two months.

VA denied this Veteran's claim for a mental health disorder in June 2008. After many years of appeal decisions, including remands from the Board, the Veteran opted into the Higher-Level Review lane in RAMP in November 2017. VA granted service connection with a 100-percent evaluation in 48 days and paid **\$276,490** in retroactive benefits.

After waiting seven years, a Veteran receives a full grant of benefits in less than 30 days.

The Veteran submitted an NOD in March 2014 and elected to participate in RAMP in December 2017. VA granted service connection for a mental health disorder, established a 100-percent evaluation effective June 2010, and paid **\$104,485** in retroactive benefits.

A Veteran receives a total disability evaluation retroactive for seven years in 41 days.

In 2014, VA denied this Vietnam Era Veteran's claim for an increased evaluation for his service-connected mental health disorder and entitlement to a total evaluation based upon individual unemployability (TDIU). The Veteran elected to participate in RAMP in December 2017. After waiting five years for action on his appeal, he received a grant of benefits in 41 days in RAMP. VA paid the Veteran almost **\$125,000** in retroactive benefits.

Additional Information

You may visit the Appeals Modernization page on www.VA.gov for more information on VA's implementation of appeals modernization and RAMP.

<https://benefits.va.gov/benefits/appeals-ramp.asp>